

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE MD MANAGEMENT CO., LLC)	
Petitioner)	
)	
ADRIAN LEPEDEANU)	
Beneficiary)	
)	
MARIANA LEPEDEANU)	
Dependent, Spouse)	
)	
R.L.)	
Dependent, Child)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 04-10499-RWL
)	
U.S. DEPARTMENT OF HOMELAND)	
SECURITY, CITIZENSHIP AND)	
IMMIGRATION SERVICES,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR STAY PENDING AGENCY’S REOPENING OF DECISION

On March 11, 2004, Plaintiffs brought suit challenging the decision, dated January 6, 2004, by the Administrative Appeals Office of the Department of Homeland Security (“DHS”), to uphold the revocation of the nonimmigrant petition at issue. On May 13, 2004, DHS provided notice that it was reopening the matter for purposes of entering a new decision (copy of notice attached as Exhibit A).

Therefore, Defendant moves to stay this matter pending the new decision by DHS. If the new decision reaches the same result as the decision which spawned this suit, Defendant will consult with Plaintiffs and seek to propose a dispositive motion briefing schedule to the Court.

WHEREFORE, Defendant respectfully requests that this Court stay this matter pending the new decision by DHS.

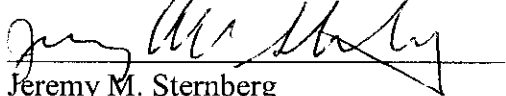
Respectfully submitted,

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY

By its attorney,

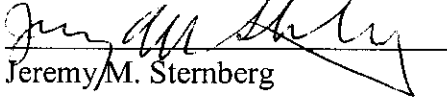
MICHAEL J. SULLIVAN
United States Attorney

By:


Jeremy M. Sternberg
Assistant U.S. Attorney
U. S. Attorney's Office
J. Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3142

Certificate of Compliance with Local Rule 7.1

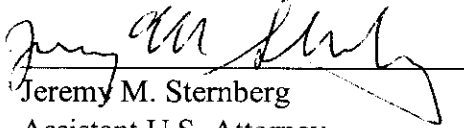
On May 19, 2004, undersigned counsel conferred by telephone with Maureen O'Sullivan, counsel for Plaintiffs, in an unsuccessful effort to narrow or resolve the issues raised by this motion.


Jeremy M. Sternberg
Assistant U.S. Attorney

Certificate of Service

I certify that I caused a copy of this motion to be sent by US Mail to Maureen O'Sullivan, Kaplan, O'Sullivan & Friedman, 10 Winthrop Sq., Boston, MA 02110.

5/20/04


Jeremy M. Sternberg
Assistant U.S. Attorney

U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

THE M.D. MANAGEMENT CO., LLC
569 ATHERTON STREET
MILTON, MA 02816

FILE: EAC 02 247 52656 Office: VERMONT SERVICE CENTER

Date: MAY 13 2004

IN RE: Petitioner: THE M.D. MANAGEMENT CO., LLC
Beneficiary: ADRIAN E. LEPEDEANU

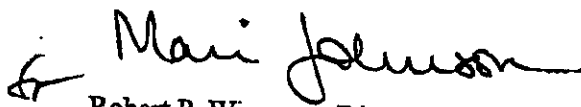
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(H)(i)(b) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(i)(b)

ON BEHALF OF PETITIONER:

S. CHRISTOPHER STOWE, JR.
20 CENTERVILLE ROAD
WARWICK, RI 02886

INSTRUCTIONS:

The Director, Vermont Service Center, revoked the approval of the nonimmigrant petition and the Administrative Appeals Office (AAO) dismissed a subsequent appeal on January 6, 2004. The AAO is reopening this matter on motion pursuant to 8 C.F.R. § 103.5(a)(5)(ii) for purposes of entering a new decision. You are permitted a period of 30 days in which to submit a brief. If you do not wish to submit a brief, you may waive this 30-day period in writing and fax the waiver to the AAO at (202) 305-3215.


Robert P. Wiemann, Director
Administrative Appeals Office